

**PARK WILLOW HOMEOWNERS ASSOCIATION  
FINE RESOLUTION**

This resolution is made this on the date set forth below by the Board of Trustees for the Park Willow Homeowners Association, Inc., a Utah non-profit corporation.

**RECITALS**

- A. Certain real property in Salt Lake County, Utah, known as Park Willow Homeowners Association, was subjected to certain covenants, conditions, and restrictions pursuant to a Declaration of Covenants, Conditions, and Restrictions (the “Declaration”);
- B. Pursuant to Utah Code Ann. § 57-8a-208, the Association is authorized to levy fines as a means of enforcing the provisions of the Declaration, rules and regulations, and Bylaws of the Association;
- C. The Board desires to set forth a schedule of fines, procedures for fining, and procedures for hearings to ensure that the fining process complies with Utah law and is fair to all parties involved;
- D. This Resolution was properly adopted by the necessary vote of the Board in compliance with the provisions of the Bylaws.

**NOW BE IT RESOLVED:**

1. That the following schedule of fines be adopted:
  - a. List of Violations: Any violation of the Declaration, rules and regulations, and Bylaws shall be subject to a fine.
  - b. Schedule of Fines:
    - (i) 1 st Violation: Written warning notice;
    - (ii) 2 nd Violation or failure to cure after warning: \$50.00;
    - (iii) 3 rd Violation or failure to cure after first fine: \$100.00;
    - (iv) 4 th violation or failure to cure after second fine: \$200.00;
    - (v) 5 th violation or failure to cure after third fine: \$400.00;
    - (vi) 6 th violation or failure to cure, \$500.00 and/or legal action
  - c. Schedule of Fines for Violations of Declaration
    - (i) Some fines imposed every 10-days at \$170.00 to a maximum of \$500.00 per month from the date specified in written notification until compliance.

Enforcement remedies are cumulative; accordingly, the Board reserves its right to pursue any enforcement action authorized by law of the Declaration at any time during the fining process

2. That all following procedures will be followed prior to levying a fine:

a. Notice of Violation: All owners will be given a written notice of violation describing the violation and stating a time to cure the violation prior to a fine being levied.

b. Time to Cure: All owners will be given a minimum of forty-eight (48) hours to cure a violation before a fine will be levied. The Board in its discretion may grant a cure period exceeding forty-eight (48) hours if the Board determines that forty-eight (48) hours is an unreasonable time period to cure the violation in question.

c. Hearing: If a fine is levied, the offending Owner shall have the right to request an informal hearing with the Board to protest or dispute the fine. A request for hearing must be made in writing within five business (5) days from the date the fine is levied. Notice shall be deemed to have been received three (3) days after mailing via USPS first-class mail, postage prepaid. If a request for hearing is not received by the Board, or their designated agent, within ten (10) days from the date the fine is levied, the fine shall be deemed to be uncontested and the owner forfeits their right to hearing. A request for hearing shall be delivered to **Welch Randall by email; brad@welchrandall.com, or via USPS first-class mail to 5300 Adams Avenue Parkway #8, Ogden, UT 84405**. The hearing shall be conducted in accordance with the procedures adopted by the Board.

d. Collection of Fines: Fines shall be collected as authorized by the Declaration and Utah State law. However, late fees shall not accrue on fines until after the time for hearing has passed, or, if a hearing is conducted, after a final decision has been rendered.

3. **That the following procedures shall govern an informal hearing of the Board:**

a. Hearing Procedures/Decision: The hearing shall be conducted by a minimum of three (3) Board members. The requesting Owner shall be given ten (15) minutes to dispute the fine. The requesting Owner may present documentation or witnesses to dispute the fine. The Board may question the requesting Owner or witnesses during the hearing. After hearing the requesting Owner's position and evidence, the Board may either render its decision at the hearing or take the evidence and argument under advisement. If the Board takes the evidence under advisement, they shall render a final decision within five (5) days of the hearing. Once a decision is rendered, the Board shall give written notice of their decision to the requesting owner. As part of the decision, the Board shall state that payment of the fine is due within thirty (30) days or late fees of \$25.00 per month will accrue on any unpaid balance. All decisions of the Board are final.

Effective Date: July 1, 2020